

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

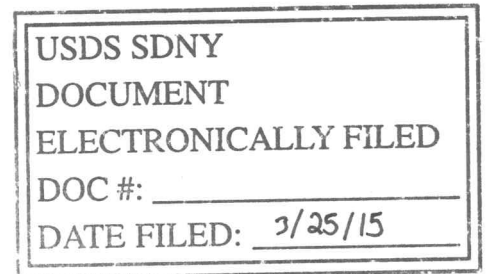
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In re:

LEHMAN BROTHERS SECURITIES AND
ERISA LITIGATION

09-md-2017 (LAK)

This document applies to:

Contra Costa Water Dist. v. Fuld, 09-cv-6652 (LAK)
City of Auburn v. Fuld, 09-cv-3474 (LAK)
City of San Buenaventura v. Fuld, 09-cv-3476 (LAK)
City of Burbank v. Fuld, 09-cv-3475 (LAK)
Mary Z. Zeeb, etc., v. Fuld, 09-cv-1944 (LAK)
San Mateo County Invest. Pool, 09-cv-1239 (LAK)
Vallejo Sanit. and Flood Control Dist. v. Fuld, 09-cv-6040 (LAK)
Zenith Insurance Co. v. Fuld, 09-cv-1238 (LAK)
The State of New Jersey, etc. v. Fuld, 10-cv-5201 (LAK)
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PRETRIAL ORDER NO. 99
(The New Jersey Action and the California Actions)

LEWIS A. KAPLAN, *District Judge*.

In Pretrial Order No. 98, the parties in the New Jersey action¹ and the California actions² were directed to show cause, in light of pending settlements in those cases, why orders should not be entered dismissing those actions subject to the right of the plaintiffs in those cases to reinstate the actions in the event that the putative settlements are not consummated.

The plaintiffs in the California actions do not oppose this plan.³ Counsel for the State of New Jersey requests that the Court place the New Jersey action on the suspense docket until April 10, 2015, by which time the parties in that case anticipate filing a notice of dismissal.⁴ The Court nevertheless believes that sound management of the numerous dockets in this multidistrict litigation favors adopting its announced course of action.

1

See case no. 10-cv-5201.

2

The California actions include case nos. 09-cv-3474, 09-cv-3475, 09-cv-3476, 09-cv-6652, 09-cv-1944, 09-cv-1239, 09-cv-6040, and 09-cv-1238.

3

See Ltr. from Matthew K. Edling to Court (Mar. 20, 2015) [MDL DI 1639].

4


See Ltr. from Merrill G. Davidoff to Court (Mar. 19, 2015) [MDL DI 1638].

Consequently, the Court hereby dismisses the New Jersey action and the California actions with prejudice and without costs subject to the right of the plaintiff(s) in any of these actions to reinstate the action by filing, on or before April 20, 2015, a notice to that effect. Such notice may be filed in the event, and only in the event, that a settlement agreement has not been executed by that date in the case in which such a notice is filed.

The Clerk shall close the New Jersey action (case no. 10-cv-5201) and the eight California actions (case nos. 09-cv-3474, 09-cv-3475, 09-cv-3476, 09-cv-6652, 09-cv-1944, 09-cv-1239, 09-cv-6040, and 09-cv-1238) and terminate all motions currently pending in those dockets. The Clerk shall terminate also the motions for summary judgment pending in the master docket, no. 09-md-2017, against New Jersey [DI 1469] and the California plaintiffs [DI 1468].

SO ORDERED.

Dated: March 25, 2015



Lewis A. Kaplan
United States District Judge